

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	S1 21cr700-01 (DLC)
-v-	:	
	:	<u>ORDER</u>
PATRICK NDUKWE,	:	
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

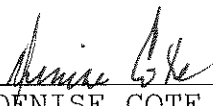
Defendant Patrick Ndukwe has moved for assistance in obtaining documents related to his prosecution from his defense counsel and for a four month extension of his deadline to file a petition pursuant to 28 U.S.C. § 2255. Following a plea of guilty, the defendant was sentenced on June 30, 2023 principally to a five year term of imprisonment. He did not appeal. In the ordinary course, therefore, Ndukwe's time to file a petition for a writ of habeas corpus will expire on July 14, 2024.

A petitioner may secure equitable tolling of the limitations period for filing a federal habeas petition only in "rare and exceptional circumstances." Clemente v. Lee, 72 F.4th 466, 478 (2d Cir. 2023) (citation omitted). To benefit from equitable tolling, the petitioner must establish that: (a) extraordinary circumstances prevented him from filing a timely petition, and (b) he has been pursuing his rights diligently.

Doe v. United States, 76 F.4th 64, 71 (2d Cir. 2023). It is hereby

ORDERED that his attorney, Jessica Masella, shall advise the Court by July 9, 2024, whether she has responded to the defendant's request for documents and the date on which she did so.

Dated: New York, New York
July 2, 2024



DENISE COTE
United States District Judge